

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
REGARDING CLOSURE OF RESTAURANTS, BARS, GYMS AND
OTHER ESTABLISHMENTS**

BY MAYOR JIM STRICKLAND, CITY OF MEMPHIS

No. 02-2020

WHEREAS, Coronavirus Disease 2019 (“COVID-19”) is a communicable respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor for the State of Tennessee issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107(e)(1); and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, I declared a state of emergency for the City of Memphis, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Memphis Code §§ 9-8-4 and 2-58-7 in response to the COVID-19 pandemic; and

WHEREAS, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

WHEREAS, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, may make all orders necessary for the protection of life and property, including but not limited to, the closure of certain establishments; and

WHEREAS, on March 19, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., I issued Civil Emergency Proclamation and Executive Order No. 01-2020 closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities; and

WHEREAS, on March 19, 2020, the Governor for the State of Tennessee issued Executive No. 15 and declared that “a state of emergency and major disaster exists to facilitate the response to COVID-19”; and

WHEREAS, as of March 20, 2020, the Shelby County Health Department has reported 30 confirmed cases of COVID-19 in Shelby County and that community transmission may be occurring; and

WHEREAS, as of March 20, 2020, there were at least 202 positive COVID-19 tests reported in the state of Tennessee; and

WHEREAS, COVID-19 presents a severe danger to public health.

NOW, THEREFORE, I, JIM STRICKLAND, MAYOR OF THE CITY OF MEMPHIS, by virtue of the powers vested in me, do hereby proclaim that a civil emergency continues to exist in the City of Memphis, Tennessee. Executive Order No. 01-2020 is hereby amended to direct and order the following:

1. The following establishments are closed for on-site consumption by members of the public, effective Midnight on March 19, 2020:
 - a. Restaurants, food courts, cafes, coffeehouses, and other establishments whose primary business is offering food or beverage for on-premises consumption; and
 - b. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, and other establishments whose primary business is offering alcoholic beverages for on-premises consumption.
2. On-site consumption of food or beverage within private fraternal, social, golf or country clubs or similar private clubs is prohibited effective Midnight on March 21, 2020.
3. The restrictions imposed by this Order do not apply to any of the following:
 - a. Grocery stores, pharmacies, convenience stores, gas stations, retail stores and charitable food distribution sites to the extent they sell or distribute prepared food. However, on-site consumption of food or beverage within these facilities is prohibited.
 - b. Health care facilities, residential care facilities, crisis shelters or similar facilities; and
 - c. Food courts inside the Memphis-Shelby County Airport.
4. Nothing in this Order shall prevent establishments subject to this Order from providing food and beverage delivery services, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverage, an establishment subject to this Order may permit up to ten members of the public at one time in the establishment for the purpose of picking up food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.
5. All gyms and exercise and fitness facilities within the City of Memphis are to close effective Midnight on March 19, 2020.
6. The following establishments are closed for use and occupancy by members of the public, effective at Midnight on March 21, 2020:
 - a. Theaters, movie theaters, cinemas, and indoor and outdoor live performance venues, and other similar recreational or entertainment facilities; and
 - b. Bowling allies, arcades, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities; and
 - c. Hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption; and
 - d. Public dance halls as defined in City of Memphis Code § 6-20-1, adult cabarets as defined in City of Memphis Code § 6-72-2, and other similar establishments and facilities.

7. This Order does not prohibit an employee, contractor, vendor, or supplier of the establishments and facilities subject to this Order from entering, exiting, using, or occupying such establishment or facility in their professional capacity.
8. The Memphis Police Department is authorized to enforce and close those businesses within the City of Memphis in violation of this Order.
9. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
10. This Order shall remain in effect until withdrawn.

Upon signature, this Order shall become effective on March 21, 2020.



Jim Strickland, Mayor

Executed this 21st day of March, 2020